

IAP20 Rec'd PCT/PTO 30 DEC 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : Confirmation No. :  
First Named Inventor : Bernhard SCHENK  
Filed : December 30, 2005  
  
Docket No. : 095309.57217US  
Customer No. : 23911  
  
Title : Hardtop Convertible Vehicle

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 AND 1.98

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 30, 2005

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO-1449 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

I. Time Period of Submission

This Information Disclosure Statement is submitted:

☒ 1) no later than three months from the application's filing date or  
2) before the mailing date of the first Office Action on the merits (whichever is later)  
or 3) before a first Office Action after the filing of a Request for Continued  
Examination, and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37  
C.F.R. § 1.17(p) is required.

☐ 2) after the later of three months from the application's filing date  
and the mailing date of the first Office Action on the merits, but before a Final Office  
Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*),  
(whichever is earlier), and therefore Applicant is filing concurrently herewith:

☐ a Statement under 37 C.F.R. § 1.97(e); or

☐ a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

☐ 3) after either a Final Office Action or a Notice of Allowance, but  
before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and

a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

☐ 4) within 30 days of receipt by any individual designated in 37 C.F.R. § 1.56(c) of a communication from a foreign patent office in a counterpart application in which each item of information contained in this information disclosure statement was first cited, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.704(d).

II. Statement Under 37 C.F.R. § 1.97(e)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

☐ I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

III. Submission of Non-English Language Documents

☒ The following is a concise explanation of relevance of the non-English language documents listed in the attached Form PTO-1449:

☒ The relevance of document(s) **AF-AL** to the subject matter of the present invention is/are provided in the specification of the above-identified application.

☐ Corresponding foreign or international report(s) citing document(s) \_\_\_\_\_, together with an English-language version(s) (if not already in English) of that portion of the report(s) indicating the degree of relevance found by the foreign office(s) is/are submitted.

☐ English language family member publication(s) of document(s) \_\_\_\_\_ is/are noted on Form PTO-1449.

☐ English language abstract(s) is/are submitted for document(s) \_\_\_\_\_.

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☐ English translation(s) of the foreign language document(s)  
\_\_\_\_\_ is/are submitted herewith.

☐ Applicant submits the following explanations:  
\_\_\_\_\_.

IV. Continuations/Divisionals/PCT National Stage Applications

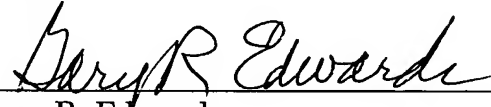
☐ Documents \_\_\_\_\_ were of record in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, from which this application claims benefit. As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously submitted to or cited by the United States Patent and Trademark Office in the afore-mentioned parent application.

☒ Copies of document(s) listed on the attached form PTO-1449 as **AA-AE** and **AM-AO** have already been provided by the International Searching Authority, therefore, duplicate copies are not attached hereto.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, this paper should be considered as an authorization to charge Deposit Account 05-1323, Attorney Docket No.: 095309.57217US, for the fee set forth in 37 C.F.R. § 1.17(p).

Respectfully submitted,

  
\_\_\_\_\_  
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Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	<b>10/563335</b>
		Filing Date	<b>December 30, 2005</b>
		First Named Inventor	<b>Bernhard SCHENK</b>
		Art Unit	
		Examiner Name	
Sheet <b>1</b> of <b>1</b>	Attorney Docket Number	<b>095309.57217US</b>	

U.S. PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
	AA	US- 2001/0042992	A1	11/22/2001	Obendiek	
	AB	US- 2003/0184116	A1	10/02/2003	Guillez et al	
	AC	US- 2003/0189356	A1	10/09/2003	Hasselgruber et al	
	AD	US- 6,585,310	B1	07/01/2003	Guillez et al	
	AE	US- 2003/0201658	A1	10/30/2003	Obendiek et al	
		US-				
		US-				
		US-				
		US-				

FOREIGN PATENT DOCUMENTS						
Examiner Initials'	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> —Number <sup>4</sup> —Kind Code <sup>5</sup> (if known)				
	AF	DE 101 33 957 A1	07/17/2001	Webasto Vehicle Systems		
	AG	DE 199 62 070 A1	12/22/1999	Edscha Cabrio-		
	AH	DE 196 42 153 A1	10/12/1996	Wilhelm Karmann GmbH		
	AI	DE 93 07 481.6	05/17/1993	Ed. Scharwaechter GmbH		
	AJ	DE 197 51 600 C1	11/21/1997	Daimler-Benz		
	AK	DE 198 07 490 C1	02/21/1998	DaimlerChrysler		
	AL	DE 101 16 709 A1	04/04/2001	Edscha Cabrio-		
	AM	DE 102 13 836 A1	03/27/2002	Valmet Automotive Oy		
	AN	WO 00/73096 A1	12/07/2000	France Design		
	AO	EP 0 835 780 A1	04/15/1998	Wilhelm Karmann GmbH		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

GRE:kms 2692035v1